



PLANNING COMMISSION

MINUTES

May 27, 2009

4:00 P.M.

CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS

COMMISSION MEMBERS

Edward Whelan, III, Chair
Roy McAfee, Vice-Chair
Dr. Roy Gratz, Secretary
Vic Ramoneda
Ricardo Rigual
Susan Spears
Berkley Mitchell, arrived at 4:35 p.m.

CITY STAFF

Ray Ocel, Director of Planning

1. CALL TO ORDER

The May 27, 2009 Planning Commission meeting was called to order at 4:00 p.m. by Chairman Ed Whelan who explained the standard meeting procedures.

PLEDGE OF ALLEGIANCE

UNFINISHED BUSINESS/ACTION ITEMS

2. **Consideration of the Capital Improvements Plan (CIP) for FY 2010-FY 2014.** The CIP is a planning document that provides a schedule of all capital projects to be carried out within this five year time frame. Prioritization of projects together with cost estimates are provided. The CIP will be reviewed by the Planning Commission with a recommendation being made to the City Council on the proposed projects as well as the proposed time frame to implement the projects.

Mr. Whitley, Budget Manager, provided an update and memo describing changes made since the public hearing was held on May 13, 2009. He briefly described each of these changes.

Mr. James Lawrence, 802 Caroline Street, thanked Mr. Whitley for all the work he has done and continues to do for the City relative to the CIP.

Mr. McAfee asked Mr. Whitley if out of the \$100,000 in savings from the museum window project, if it would be possible/feasible to utilize these funds in order to provide for the long awaited project at Memorial Park to install bathrooms.

Mr. Whitley said he would take the suggestion forward.

Mr. Whelan asked intersections of Princess Anne Street are to be improved.

Mr. Ocel said the City will concentrate more on the area of Herndon/Canal Streets, south to Jefferson Davis Highway at this time.

Mr. McAfee moved to approve the special use permit request with the addition that \$100,000 in savings from the museum window project be put in the Memorial Park bathroom project.

Ms. Spears seconded the motion.

Motion carried unanimously by a vote of 6 – 0.

3. Zoning Ordinance Text Amendment- Amendment to the City Code Chapter 78, Zoning, Planning and Development, Article III, Zoning, by incorporating low impact design requirements for site development or re-development. The following Sections of the Zoning Ordinance are proposed to be amended to incorporate these amendments: 78-1; Sec. 78-1060; Sec. 78-1063; Sec. 78-1067. The amendment is being proposed to assist in implementing the goals and policies of the 2007 Comprehensive Plan.

4. Subdivision Ordinance Text Amendment- By incorporating low impact development requirements for subdivisions by amending Chapter 78, "Zoning, Planning, and Development", Article IV, "Subdivisions," Division 3, "Subdivisions Design Standards" and to terminate the pro rata program for stormwater rate control, by amending Division 2, General Regulations. The amendment is being proposed to assist in implementing the goals and policies of the 2007 Comprehensive Plan.

Mr. Kevin Utt, Site Development Manager, said he had nothing further to add since the May 13th public hearing on this item.

Mr. McAfee made a motion to approve the zoning ordinance text amendment and the subdivision ordinance text amendment.

Mr. Ramoneda seconded the motion.

Motion carried by a unanimous vote of 6 – 0.

5. SUP2009-06: Gregory and Hyow Harding - Special Use Permit request in order to construct an addition to the restaurant located at 1606 Caroline Street. The owner proposes to construct an addition to the Olde Towne Steak and Seafood Restaurant on an adjacent vacant property addressed as 1611 Princess Anne Street in order to provide additional seating and a bar area. The property is zoned CT, Commercial Transitional and is designated as Transitional/Office on the Future Land Use Map found within the 2007 Comprehensive Plan.

6. SUP2009-07: Elmer Chilton - Special Use Permit request in order to enter into a cooperative parking arrangement with the Olde Towne Steak and Seafood Restaurant located at 1606 Caroline Street. The subject property is addressed as 1623 Princess Anne Street which is improved with a commercial building and associated parking. The owner requests permission to allow use of a portion of the parking lot by the neighboring Olde Towne Steak and Seafood Restaurant. The property is zoned CT, Commercial Transitional and is designated as Transitional/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel provided an update of this application since the public hearing. He noted that the City had received a copy of the May 11, 2009 meeting notes between Mr. Grey Harding, Ms. Hyon Harding, Hamilton Palmer, Wendy Brock and Jonathan Ishii (Rising Sun Tavern Neighborhood

Assn members), in which the applicant, Mr. Greg Harding and Mr. Jonathan Ishii signed agreeing to conditions requested for special use permit. **(ATTACHMENT A)**

Mr. Ocel also noted that he added a 10th condition as follows to the staff report recommendations:

10. The right to construct and utilize the additional 50 seats shall be contingent upon the continued availability of the off-street parking. Off-street parking to include the use of at least 10 parking spaces on the adjacent 1623 Princess Anne Street property. The loss of some or all of the off-street parking shall result in the loss of the right to utilize a pro-rated portion (or all) of the restaurant seats.

Dr. Gratz clarified that on condition #6, first sentence, the word "no" should be removed.

Mr. Rigual asked staff its procedure as to know when/if the parking agreements exists.

Mr. Ocel said the applicant is required to notify the City once the agreement no longer exists or if the parking no longer exists.

Mr. Rigual asked if this is an informal requirement or if it is enforced in writing.

Mr. Ocel said the practice in the past has been that the City advised the applicant of their need to notify the city should parking/agreement no longer be available but that he has no problem adding this requirement as a condition.

Mr. Ramoneda asked if the building elevation was to be submitted as part of the special use permit application.

Mr. Ocel said that once the drawings have been finalized it would come back before the Commission to ensure the project meets the corridor overlay guideline regulations. He said that the brick front meets the corridor overlay requirement.

Mr. McAfee asked Mr. Rigual to craft a sentence stating the notification requirement that Mr. Rigual suggested earlier.

Mr. Rigual responded: "The applicant shall notify the City immediately if the parking agreement or parking area is no longer available."

Mr. Ramoneda made a motion to recommend approval of the special use permit applications with the 10 conditions outlined by staff and the 11th condition suggested by Mr. Rigual.

Mr. Rigual seconded the motion.

Motion carried by a unanimous vote of 6 - 0

- 7. SUP2009-09: Serenity Home, Inc.** Special Use Permit request in order to relocate and operate Serenity Home at 316 Bridgewater Street. The applicant requests to operate this institutional housing use at this location which provides residential treatment for medically stable chemically dependent adult males. The property is zoned CT, Commercial Transitional and is designated as Transitional/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel provided an update since the public hearing on this item. He noted that one of the speakers (Ms. Jennifer Graham) at the public hearing had voiced concern regarding having this type of facility as a neighbor. Mr. Ocel said that after the meeting the applicants and Ms. Graham had talked with each other in more detail and that Ms. Graham now has less reservations of having Serenity Home as a neighbor.

Mr. Ocel noted that on Condition #1 in the staff report it should be changed to ...commence business within twelve (12) months....

Mr. Ramoneda moved to approve the special use permit with the conditions suggested and modified by staff.

Dr. Gratz seconded the motion.

Motion carried unanimously by a vote of 6 - 0

8. SUP2009-10: Charles and Jacqueline Leopold - Special Use Permit request to convert and utilize the building located at 528 Caroline Street to a 3 room hotel use. The property is zoned CD, Commercial Downtown which permits hotels with a special use permit. The property is designated as Downtown on the Future Land Use Map contained within the 2007 Comprehensive Plan.

Mr. Ocel provided an update since the public hearing on this item.

Dr. Gratz made a motion to recommend approval of the special use permit with the conditions outlined by staff.

Ms. Spears seconded the motion.

Motion carried unanimously by a vote of 6 – 0.

Mr. Mitchell arrived and apologized for his lateness.

OTHER BUSINESS

9. The May 13, 2009, Planning Commission Minutes were approved as submitted.

10. The April 1, 2009 Worksession minutes were approved as submitted.

11. The April 29, 2009 Worsession minutes were approved as submitted.

12. Planning Commissioner Comment

- Mr. McAfee suggested holding a worksession soon regarding the mixed use issue and said he would like to introduce new suggestions in making the canal fit into this.
- Mr. Ocel said perhaps that worksession could be held in June after one of its regular meetings, as the Commission would have a relatively small agenda at that time.

13. Planning Director Comment

- Mr. Ocel updated Commissioners on actions at the May 26th Council meeting.
 - Cal Ripken lease agreement still a work in progress
 - Parking Ordinance first read, back June 9th for approval.
- Mr. Ocel distributed several articles to Commissioners
 - Excerpt for downtown parking
 - Washington Post article regarding ARB
- Mr. Ocel informed Commissioners of an upcoming worksession to be held in June regarding the Mixed Use issue. He said he would like to invite citizens that are currently located near these types of uses in order to receive input and feedback regarding the good and bad aspects.

Meeting adjourned.



Edward F. Whelan, III, Chair

May 11, 2009 meeting notes:

Greg and Hyon Harding, Hamilton Palmer Wendy Brock, Jonathan Ishii

Re: Special Use Permit application **OLDETAUNE STEAK & SEAFOOD RESTAURANT**
Planning Commission, **II SUP 2009-06**

This is to inform the Planning Commission that representatives of the Rising Sun Neighborhood Association (RSNA) met with Greg and Hyon Harding to discuss their Special Use permit application and the potential impact of their proposed building construction to the neighborhood. From the discussions, we came an agreement and mutually request the following conditions be added to the Special Use Permit application:

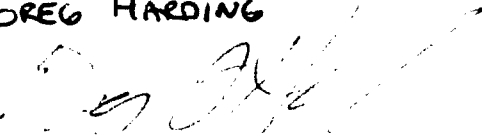
the main building entrance into the restaurant will be on Princess Anne Street
the building elevations will be submitted and made part of the SUP application
the dumpster will be enclosed and screened
the hours of operation are 4pm until 10pm
the restaurant will maintain 10 offsite parking spaces or loose 40 restaurant seats
the driveway entrance onto Caroline Street will be landscaped
that the above agreements will be made a condition of the SUP

Jonathan Ishii

 5/13/2009

RSNA President

GREG HARDING

 5/13/09